

REMARKS

Claims 1-17 and 81-82 are currently pending. Of these claims: claims 3-4, 6-13 and 17 are original; claims 1, 2, 5, 14-16 and 81-82 were previously presented; claims 18-80 were previously withdrawn; no claims are currently amended; and, no claims are currently cancelled. In view of the following remarks, the Applicant respectfully requests reconsideration and withdrawal of the rejections and forwarding of the application on to issuance.

Objection to 'Finality' of Rejection Mailed 06/16/2005

The Applicant submits that the Patent Office improperly made the Office Action mailed 06/16/2005 final.

In particular, claim 13 was not rejected by the Office Action mailed 12/02/2004. However, claim 13 was rejected for the first time in the Final Office Action mailed 06/16/2005.

Additionally, the rejection of claim 14 in the Office Action mailed 12/02/2004 was based on section 102. However, the scope of claim 14 was not changed by the Applicant's Response, faxed 04/04/2005. However, in the Office Action mailed 06/16/2005, the rejection of claim 14 was rejected based on section 103.

Accordingly, the Applicant requests that the finality of the Office Action be removed.

The §103 Rejections

The Applicant submits that the Office has failed to establish a *prima facie* case of obviousness and, in view of the comments below, respectfully traverses the Office's rejections. However, before discussing the substance of the Office's

1 rejections, a section entitled “The §103 Standard” is provided and will be used in
2 addressing the Office’s rejections.

3 **The §103 Standard**

4 To establish a *prima facie* case of obviousness, three basic criteria *must* be
5 met. MPEP § 2142. First, there must be some suggestion or motivation, either in
6 the references themselves or in the knowledge generally available to one of
7 ordinary skill in the art, to modify the reference or to combine reference teachings.
8 *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992); *In re Fine*, 837 F.2d
9 1071, 5 USPQ2d 1596 (Fed. Cir. 1988). Second, there must be a reasonable
10 expectation of success. *In re Merck & Co., Inc.*, 800 F.2d 1091, 231 USPQ 375
11 (Fed. Cir. 1986). Finally, the prior art reference (or references when combined)
12 must teach or suggest all the claim limitations. *In re Royka*, 490 F.2d 981, 180
13 USPQ 580 (CCPA 1974).

14 Hence, when patentability turns on the question of obviousness, the search
15 for and analysis of the prior art includes evidence relevant to the finding of
16 whether there is a teaching, motivation, or suggestion to select and combine or
17 modify the references relied on as evidence of obviousness. The need for
18 specificity pervades this authority. See, e.g., *In re Kotzab*, 217 F.3d 1365, 1371,
19 55 USPQ2d 1313, 1317 (Fed. Cir. 2000) (“particular findings must be made as to
20 the reason the skilled artisan, with no knowledge of the claimed invention, would
21 have selected these components for combination in the manner claimed”).

22 **§103 Rejections due to Redpath and LeBlond**

23 **Claims 1, 3-8, 11, 12 and 14-17** were rejected under §103 as being
24 unpatentable over U.S. Patent No. 5,630,126, hereinafter “Redpath,” in view of
25

1 *PC Magazine*, hereinafter “LeBlond.” In response, the Applicant respectfully
2 traverses the rejection.

3 **The Redpath Reference**

4 Redpath discloses integrating computations into compound
5 documents (Redpath, at Title). Redpath discloses compound documents
6 having a text part and a plurality of math parts positioned in a plurality of
7 locations. (Redpath, at Abstract.) Redpath teaches linking a plurality of
8 math parts located within a document together so that related math parts are
9 evaluated and updated upon user input. (Summary of the Invention, col. 2,
10 lines 38-40.)

11 **The LeBlond Reference**

12 The LeBlond reference discloses status indicators that provide information
13 on how Quattro Pro is functioning (page 10, top paragraph). “The status
14 indicators are linked to a key or command that you have used to put the system in
15 a specific state.” (Page 10, second paragraph.) Thus, LeBlond teaches that a key
16 or command may cause Quattro Pro to anticipate a specific type of input. More
17 specifically, LeBlond teaches that a key or command may be entered, thereby
18 directing Quattro Pro to expect that the user will enter a certain type of content,
19 e.g. a label.

20 Thus, in LeBlond, a current cell is selected. Then, the user selects a content
21 type (e.g. “label”) using a keystroke and/or command. Then, the user enters the
22 content to the input line. By pushing enter, the content (of the selected type) is
23 moved to the current cell.

24

25

1 Therefore, the type of content of the current cell is not determined *upon*
2 *selection of the current cell.* Instead, the type of content of the current cell is
3 determined *upon a keystroke or command* at the input line, and upon transfer of
4 the input line contents to the current cell.

5 **Traversal of the §103 Rejections to Claims 1, 3-8, 11, 12 and 14-17**

6 **Claim 1** recites a method comprising:

- 7 • presenting a free floating field in line with text in a document, the
free floating field presenting content derived from a source;
- 8 • determining, **upon selection of the free floating field**, a type of
content in the free floating field;
- 9 • interpreting user entry based upon the type of content in the free
floating field; and
- 10 • upon modification of the source, automatically updating the content
in the free floating field.

11 The LeBlond reference teaches that a keystroke or command may cause
12 Quattro Pro to anticipate a specific type of input. For example, “To tell Quattro
13 Pro that you’re entering a label, begin the entry with one of the label prefixes in
14 Table 2.1.” See Table 2.1 on page 46, and see quoted text on page 47, last
15 sentence of 3rd paragraph. Thus, LeBlond teaches that a keystroke or command
16 may be entered, thereby directing Quattro Pro to expect that the user will enter a
17 certain type of content, e.g. a label. LeBlond does not disclose free-floating fields,
18 and does not disclose determining a content type upon selection of the free-
19 floating field. Instead, LeBlond teaches that, after selection of a current cell, the
20 user may then use commands to select a type of content of the current cell.

21 The Patent Office acknowledges that Redpath does not disclose
22 “determining, upon selection of the free floating field, a type of content in the free
23 floating field” (see Office Action mailed 06/16/2005, page 3, middle of page,
24

1 emphasis added by Patent Office). However, the Patent Office suggests that, at
2 pages 9 and 11, the LeBlond reference does teach these elements.

3 In particular, the Patent Office suggests that the following process,
4 disclosed by LeBlond, is analogous to the Applicant's claim. In LeBlond, a
5 current cell is selected, thereby linking that cell with the input line. The user
6 enters a keystroke or command at the input line, thereby alerting Quattro to a
7 certain content type. The user inputs content of that type into an input line. Then,
8 the user confirms entry, moving the content (of type already determined) to the
9 current (already selected) field.

10 The Applicant respectfully distinguishes the LeBlond reference from that
11 portion of claim 1 that the Patent Office admits that is not disclosed by Redpath.

12 The LeBlond reference does not disclose determination of the content type
13 upon selection of any type of field or cell. In contrast to the recited claim,
14 LeBlond teaches that the content type is determined upon entry of a keystroke or
15 command, and that the status indicators indicate the content type of the input line.
16 Nothing is determined upon selection of the current cell. (However, the current
17 cell and the input line are linked upon selection of the current cell.) LeBlond does
18 not disclose that any type of determination is made *upon selection* of any type of
19 field or cell, as recited in the claim. (See LeBlond, page 10: "Status indicators are
20 linked to a key or command that you have used to put the system in a specific
21 state.") Thus, the Patent Office failed to recognize the difference between a
22 determination made "upon selection," as claimed, and the keystroke or command,
23 as disclosed by LeBlond. Stated somewhat differently, LeBlond discloses

1 determination of content type based on a keystroke or a command—and does not
2 determine content *upon selection* of any type of field and/or cell.

3 The Patent Office appears to take the position that “Therefore, upon *further*
4 *selection* of the cell (i.e. free floating field), Quattro Pro has already determined
5 the type of content in that cell and indicates such in the status indicator.”
6 (Emphasis added. See OA mailed 06/16/2005, ¾ of the way down page #3.)
7 However, this (e.g. “upon further selection of the cell”) is not what is recited by
8 the claim. The Applicant claims, “determining, upon selection of the free floating
9 field, a type of content in the free floating field.” In contrast, LeBlond does not
10 explicitly disclose any event that happens upon selection of a free-floating field.
11 (However, LeBlond does appear to indicate that upon selection of a current cell,
12 the current cell is ‘linked’ to the input line, in that the input line controls aspects of
13 the current cell.)

14 The LeBlond reference does not disclose free-floating fields, and therefore
15 does not disclose determining anything “upon selection of the free floating field.”
16 The LeBlond reference does disclose a “current cell.” (See LeBlond at page 44.)
17 However, the current cell is a cell in a spreadsheet, and is therefore not a free-
18 floating cell. Therefore, the LeBlond reference does not disclose a process by
19 which the type of content within a field is *determined upon selection* of the free-
20 floating field. A careful reading of LeBlond reveals that LeBlond teaches status
21 indicators that are “linked to a key or a command that you have used to put the
22 system in a specific state.” (LeBlond, page 10). Thus, by pushing a key or typing
23 a character, the user puts the system into a state wherein it expects a certain type
24
25

1 of input. Thus, in LeBlond, the content is determined upon entry of a keystroke or
2 command, and not upon selection of a free-floating field.

3 The LeBlond reference teaches no free-floating cell, but does teach ‘a
4 current cell.’ However, LeBlond teaches no determination that is made *upon*
5 *selection of the current cell.* What LeBlond does disclose is determining the
6 *content type upon receipt of a user command and/or keystroke.*

7 Therefore, LeBlond fails to cure the deficiencies of Redpath. More
8 specifically, LeBlond fails to disclose *determination of the content type upon*
9 *selection of any type of field or cell* (determination is instead taught by keystroke
10 or command). Accordingly, the Applicant respectfully requests that the rejection
11 of claim 1 be removed.

12 **Claims 3-8 and 11-12** depend from Claim 1 and are allowable due to their
13 dependence from an allowable base claim. These claims are also allowable for
14 their own recited features that, in combination with those recited in Claim 1, are
15 neither disclosed nor suggested in references of record, either singly or in
16 combination with one another.

17
18 **Claim 14** recites the method of claim 1, additionally comprising:

19

- 20 • wherein the free floating field and the source are in a nested
21 relationship

22 The Redpath reference does not disclose nested relationships. In particular,
23 Redpath discloses no math part wherein the contents of that math part include a
24 ‘nested’ math part. That is, ‘nesting,’ in the context of the Redpath reference,
25 would involve one math part within another math part. In contrast, simple data
within a math part are not ‘nested’ within the math part.

1 The Patent Office suggests that the contents of the math part (i.e. the data
2 contained within the math part) are the source, and that a nested relationship
3 therefore exists. (*However, the Patent Office also suggested that Redpath does not*
4 *disclose nesting. See middle of page 8 of the Office Action mailed 12/02/2004.*)

5 The Patent Office's current position does not make sense in the context of
6 claim 1, which recites, "upon modification of the source, automatically updating
7 the content in the free floating field." That is, the source and the content of the
8 free-floating field are *different*, since a change in one requires automatic updating
9 of the other. Thus, Redpath does not disclose a nested relationship.

10 Accordingly, Redpath does not disclose the concept of 'nesting,' and the
11 Applicant respectfully requests that the rejection of claim 14 be removed.

12 **Claim 15** recites, wherein the determining of claim 1 comprises:

- 13 • evaluating whether the type of content is a formula or non-text data;
- 14 • if the type of content is a formula or non-text data, interpreting the
15 user entry as applicable to spreadsheet functions; and
- 16 • if the type of content is not a formula or non-text data, **interpreting
17 the user entry as applicable to word processing functions.**

18 The Redpath reference does not disclose word processing functions within
19 the math parts of the document. Instead, the math parts appear to be limited to
20 formulas and numbers. Word processing functionality is not included within the
21 math parts.

22 In the rejection of claim 15, the Patent Office cited column 6, lines 15-18 of
23 Redpath as disclosing the elements of all three paragraphs of claim 15.

24 The cited passage in Redpath is as follows:

1 “The evaluating operation 200 accepts user input in the form of
2 either numeric or non-numeric strings, and either evaluates a formula
3 contained within a first math part or assigns the value given to the math
4 part.”

5 The Applicant respectfully traverses the rejection.

6 The Applicant notes that the passage does not disclose a method by which
7 user entry is interpreted according to word processing functions. For example, the
8 math parts disclosed by Redpath include only numeric values, such as 9.5% and
9 \$5,000. Word processing functionality is not provided for by Redpath *within the*
10 *math parts*. In contrast, the Applicant discloses and claims word processing
11 functionality within free-floating fields. Accordingly, the Applicant respectfully
12 requests that the rejection to claim 15 be withdrawn.

13 **Claims 16 and 17** depend from Claim 1 and are allowable as depending
14 from an allowable base claim. These claims are also allowable for their own
15 recited features that, in combination with those recited in Claim 1, are neither
16 disclosed nor suggested in references of record, either singly or in combination
17 with one another.

§103 Rejections due to Redpath, LeBlond and Acklen

18 **Claims 2, 81 and 82** stand rejected under 35 U.S.C. §103(a) as being
19 obvious over Redpath and LeBlond in view of “Using Corel Wordperfect 9,”
20 hereinafter “Acklen.”

Traversal of the §103 Rejections to Claims 2, 81 and 82

21 **Claim 2** includes all of the restrictions of Claim 1 and is allowable for the
22 same reasons, which are incorporated by reference herein.

1 **Claims 81 and 82** depend from Claim 1 and are allowable as depending
2 from an allowable base claim. These claims are also allowable for their own
3 recited features that, in combination with those recited in Claim 1, are neither
4 disclosed nor suggested in references of record, either singly or in combination
5 with one another.

6 **§103 Rejections due to Redpath, LeBlond and Curbow**

7 **Claim 13** stands rejected under 35 U.S.C. §103(a) as being obvious over
8 Redpath and LeBlond in view U.S. Patent No. 5,669,005, hereinafter “Curbow.”

9 **The Curbow Reference**

10 The Curbow reference discloses a system for embedding and incorporating
11 contents to a document. The document can include a “part,” which is the
12 fundamental building block. Each part includes content and a manipulator for that
13 content. The manipulator can be any type of editor or viewer, such as a word
14 processor. The word processor can be used to edit the part, even when embedded
15 within a non-text document, such as a spreadsheet.

16 **Traversal of the §103 Rejections of Claim 13**

17 **Claim 13** recites, the method of claim 1 additionally comprising:

- 18 • modifying a format of the text and automatically applying the format
19 modification to the free floating field.

20 The Curbow reference discloses documents having ‘parts’ of different
21 types, such as text-based parts and spreadsheet type documents. Curbow discloses
22 how the user is able to edit the parts, even when embedded within another
23 document.

1 The Patent Office cites Curbow, at col. 2 line 66 to col. 3, line 9, suggests
2 that Curbow discloses modifying text within a document and having those
3 modifications automatically apply to a free floating field.

4 However, what Curbow discloses in the cited passage is that a tool, such as
5 a word processor, would be available to the user to edit the contents of any part,
6 even if embedded within another document. Curbow does not disclose,
7 “modifying a format of the text and automatically applying the format
8 modification to the free floating field.”

9 At col. 3, lines 43-48, Curbow discusses adding material, and automatically
10 changing the format of the content. However, this is not the same as “modifying a
11 format of the text and automatically applying the format modification to the free
12 floating field.” The former involves adding new material, while the latter involves
13 modifying existing material. Also, the former involves combining material, while
14 the latter involves two groups of material that remain distinct (although the format
15 from one is applied to the other).

16 Therefore, Curbow fails to teach the recited claim. Accordingly, the
17 Applicant respectfully requests that the rejection of claim 13 be removed.

18 **§103 Rejections due to Redpath, LeBlond and Microsoft**

19 **Claims 9 and 10** stand rejected under 35 U.S.C. §103(a) as being
20 unpatentable over Redpath in view of “Microsoft Visual Basic 5.0 Programmer’s
21 Guide, 1997, pgs. 578—579, Redmond, Washington, 98052-6399” hereinafter
22 “Microsoft.”

1 **The Microsoft Reference**

2 The Microsoft reference discloses how a picture box can be sized to fit a
3 picture to be displayed.

4 **Traversal of the §103 Rejections of Claims 9 and 10**

5 **Claim 9** recites the method of claim 8, further comprising:

- 6 • resizing the formula edit box as the user enters the formula.

7 **Claim 10** recites the method of claim 8, further comprising:

- 8 • extending the formula edit box horizontally and subsequently
9 vertically as the user enters the formula.

10 The Microsoft reference discloses how a picture box can be sized to fit a
11 picture to be displayed. However, sizing a box to fit a picture fails to address and
12 resolve issues and complexities related to sizing a box as a user enters a formula,
13 particularly wherein the formula has an unknown length. For example, a picture
14 has a size, which when discovered, can be matched with a picture box of
15 appropriate size. In contrast, a text box may receive a user-entered formula of
16 unknown and/or changing size; accordingly, the recited features “resizing” and
17 “extending” provide functionality not seen in the references that address problems
18 associated with receiving a formula of unknown size.

19 In particular, the Microsoft reference fails to disclose how a box can be
20 resized *as a user enters a formula*, or how a box can be extended horizontally and
21 vertically *as a user enters a formula*. Entry of text into a box is different from
22 entry of a picture, since any given picture is fixed in size. In contrast, entry of a
23 formula is something that changes dynamically as each keystroke enters an
24 additional character. Thus, a formula edit box that resizes as the user enters a
25 formula is differently adapted than an edit box that is sized to fit a picture to be
 displayed.

1 Accordingly, the Microsoft reference does not disclose the elements recited
2 by the claims, and the Applicant respectfully requests that the rejections be
3 removed and claim 9 and 10 be allowed to issue.

4 **Conclusion**

5 The Applicant submits that all of the claims are in condition for allowance
6 and respectfully requests that a Notice of Allowability be issued. If the Office's
7 next anticipated action is not the issuance of a Notice of Allowability, the
8 Applicant respectfully requests that the undersigned attorney be contacted for
9 scheduling an interview.

10 In the event that the Examiner finds any remaining impediment to a prompt
11 allowance of this application that could be clarified over the telephone, the
12 Examiner is respectfully requested to call the undersigned attorney.

13
14 Respectfully Submitted,

15 Dated: 8-24-2005

16 By:



17 David S. Thompson
18 Reg. No. 37,954
19 Attorney for Applicant

20
21 LEE & HAYES PLLC
22 Suite 500
23 421 W. Riverside Avenue
24 Spokane, Washington 99201
25 Telephone: 509-324-9256 x235
Facsimile: (509) 323-8979